

25847. Misbranding of Carboil. U. S. v. 96 Boxes of Carboil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36908. Sample no. 29908-B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 7, 1936, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 boxes of Carboil at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about October 9, 1935, by the McKesson-Berry-Martin Co., from Nashville, Tenn., to Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Large carton) "Carboil for boils and eruptions."

Analysis showed that the product consisted essentially of chloral hydrate (9.5 grains per ounce) and tar oil incorporated in an ointment base consisting largely of petrolatum.

Misbranding of the article was charged in that there appeared upon the metal container of the article, upon the cartons, and in a circular enclosed in the cartons statements regarding the therapeutic or curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, for the treatment of boils, eruptions, painful risings, throbbing pain, inflammation, skin irritation, skin troubles; and that it was a powerful medication that assists Nature in making rapid healing of skin troubles.

On March 11, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25848. Misbranding of Novo Iodine Compound. U. S. v. 27 Dozen Packages of Economy First Aid Kit, each containing an article, labeled in part "Novo Iodine Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36914. Sample no. 44053-B.)

This article was a substance other than the one which its label represented it to be.

On January 8, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Economy First Aid Kit which contained an article, labeled in part, "Novo Iodine Compound", at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 29, 1935, by the Union Products Co., from New York, N. Y., into the State of Massachusetts and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Novo Iodine Compound."

Misbranding of the article was charged under the allegation that the designation made in the label of the article, "Novo Iodine Compound", was false and misleading in that the article was not iodine compound but was a chloramine and potassium iodate compound.

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25849. Misbranding of Kopp's Alcohol. U. S. v. 7 Dozen Medium-Sized Bottles and 36 Small Bottles of Kopp's Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36920. Sample no. 51891-B.)

The medium-sized bottles of this article did not bear the quantity which the label represented that they contained. The labels of both sizes of bottles falsely represented that the article was a safe and appropriate medicament for infants and young children and made unwarranted curative and therapeutic claims for it.

On January 13, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Kopp's Alcohol at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 28 and November 26, 1935, by C. Robert Kopp, Inc., York, Pa., from Hellam, Pa., to Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Kopp's Alcohol about 8½ Per Cent. Sulphate of Morphine ⅛ Grain Per Ounce * * * C. Robert Kopp, Incorporated, York, Pa., U. S. A."

Analysis showed that the article contained morphine sulphate $\frac{1}{8}$ grain per fluid ounce, flavoring oils including anise oil, alcohol, sugar, and water. Further analysis showed that the medium-sized bottles were short in volume.

Misbranding of the article was charged (a) in that the bottle label and carton of the medium-sized bottles bore the statements, "This (40c.) bottle contains 1½ ounces", and that said statement was false and misleading; (b) in that the label bore and the circular contained directions detailing how the article should be given to infants and young children, together with a picture (on the circular) of a baby, entitled "Kopp's Remedies For Babies and Children", viz, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, $\frac{1}{3}$ teaspoonful; 4 to 6 months, $\frac{1}{2}$ teaspoonful; 6 to 9 months, $\frac{2}{3}$ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", (directions in German and other foreign languages, translation) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{2}{3}$ teaspoonful; 6 to 9 months, 1 teaspoonful, 12 or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", and that the aforesaid directions were false and misleading in that they were indicative that the preparation was a safe and appropriate remedy for infants and young children when, in fact, it was not; and (c) in that the label bore and a circular contained detailed directions concerning the administration of the article to infants and young children, viz, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, $\frac{1}{3}$ teaspoonful; 4 to 6 months, $\frac{1}{2}$ teaspoonful; 6 to 9 months, $\frac{2}{3}$ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", (directions in German and other foreign languages, translation) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{2}{3}$ teaspoonful; 6 to 9 months, 1 teaspoonful; 12 or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary"; and that the aforesaid directions and picture were statements, designs, and devices regarding the curative and therapeutic effects of the article, and that they were false and fraudulent.

On February 10, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25850. Misbranding of Slim. U. S. v. 26 Bottles of Slim. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36921. Sample no. 35497-B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 8, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bottles of Slim at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about November 2, 1934, by the Forest Hill Pharmaceutical Co., East Cleveland, Ohio, from that place to Fort Wayne, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, (bottle) "Slim."

Analysis showed that the article consisted of capsules containing 1 grain of dinitrophenol each, lactose being present as a diluent.

Misbranding of the article was charged in that there were set forth on the carton and bottles statements as follows, to wit, "Slim the scientific way to reduce. Slim a physicians prescription prepared under his personal supervision to aid in safely reducing overweight. Send a self-addressed stamped envelope to our medical director with any questions in regard to weight reduction or skin irritation. Directions for using 'Slim' Take one capsule after breakfast and one after evening meal every day, bottle contains twenty-eight capsules sufficient for two weeks treatment"; that the aforesaid statements were false and fraudulent representations regarding the curative or therapeutic effects of the article; and that they falsely and fraudulently represented that such product could be safely taken according to directions for reduction of superfluous weight.

On February 24, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*